

ESTTA Tracking number: **ESTTA718836**

Filing date: **01/06/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Jackson Family Farms, LLC
Granted to Date of previous extension	01/06/2016
Address	421 Aviation Blvd. Santa Rosa, CA 95403 UNITED STATES
Attorney information	J. Scott Gerien; Aaron D. Currie Dickenson Peatman & Fogarty 1455 First St., Ste. 301 Napa, CA 94559 UNITED STATES tmltg@dpf-law.com

### Applicant Information

Application No	86640678	Publication date	09/08/2015
Opposition Filing Date	01/06/2016	Opposition Period Ends	01/06/2016
Applicant	Guotai International LLC 9400 Key West Avenue Rockville, MD 20850 UNITED STATES		

### Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Distilled Spirits; Wine

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2464930	Application Date	02/26/1999
Registration Date	07/03/2001	Foreign Priority Date	NONE
Word Mark	LEGACY		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 033. First use: First Use: 1993/10/04 First Use In Commerce: 1993/10/04 Wine
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LEGACY		
Goods/Services	wine		

Attachments	Notice of Opposition (THE LEGACY OF CHINA).pdf(325620 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jaymie Kilgore/
Name	Jaymie Kilgore
Date	01/06/2016

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through the ESTTA system located at <<http://estta.uspto.gov>>.

Dated: 1/6/16

By Jaymie Kilgore  
Jaymie Kilgore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

Jackson Family Farms, LLC

OPPOSITION NO.

Opposer,

vs.

NOTICE OF OPPOSITION

Guotai International LLC,

Applicant.

TO THE COMMISSIONER OF TRADEMARKS:

Jackson Family Farms, LLC, a California limited liability company located at 421 Aviation Boulevard, Santa Rosa, California 95403 ("Opposer"), believes it will be damaged by registration of the mark THE LEGACY OF CHINA for "distilled Spirits; wine," shown in U.S. Trademark Application Serial No. 86/640,678, filed on May 29, 2015, by Guotai International LLC ("Applicant") and hereby opposes same.

Solely for the purpose of this proceeding, Opposer alleges the following as grounds for opposition:

1. Applicant seeks to register THE LEGACY OF CHINA as a trademark for distilled spirits; wine in International Class 33, U.S. Trademark Application Serial No. 86/640,678 (the "TLOC Application"), based on Applicant's intent to use the THE LEGACY OF CHINA mark in United States commerce, as evidenced by the publication of such mark on

September 8, 2015. The TLOC Application was filed on May 29, 2015.

2. The trademark LEGACY has been used on wine in U.S. commerce by Opposer since at least as early as October 4, 1993, over twenty-two (22) years prior to the constructive use date of the TLOC Application.

3. Opposer is the owner of incontestable U.S. Trademark Registration No. 2,464,930 for the mark LEGACY for wine in International Class 33, with a first use date of October 4, 1993 and constructive first use date of February 26, 1999. Both the constructive use date and first use date of Opposer's LEGACY registration precede the filing date of the TLOC Application.

4. Applicant's mark THE LEGACY OF CHINA is likely to cause confusion, mistake or to deceive the public because it completely encompasses and is extremely similar to Opposer's LEGACY mark. Further, the goods on which Applicant intends to uses THE LEGACY OF CHINA mark are virtually identical, substantially similar or related to the goods on which Opposer uses the LEGACY mark and said goods are purchased by the same group of consumers. Accordingly, Applicant's THE LEGACY OF CHINA mark is confusingly similar to Opposer's LEGACY mark such that Applicant is not entitled to register the mark THE LEGACY OF CHINA and the TLOC Application should be denied in accordance with Section 2(d) of the Trademark Act of 1946, 15 U.S.C. §1052(d).

5. Opposer avers that if Applicant is granted the registration herein opposed, it would interfere with Opposer's exclusive right to use its LEGACY mark herein relied upon, all to the detriment and damage of Opposer. Accordingly, Opposer avers that for the reasons set forth above, it will be damaged by a grant of registration to Applicant of THE LEGACY OF CHINA which is the subject of U.S. Trademark Application Serial No. 86/640,678.

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WHEREFORE, Opposer prays as follows:

1. That this Opposition be sustained;
2. That U.S. Trademark Application Serial No. 86/640,678 be rejected; and
3. That registration of the trademark THE LEGACY OF CHINA shown and specified in U.S. Trademark Application Serial No. 86/640,678 be refused and denied.

Please charge Opposer's counsel's Deposit Account #503564 the \$300 filing fee for the Opposition, and any other fees which may be necessary to effectuate the filing of this opposition.

Dated: January 6, 2016

DICKENSON, PEATMAN & FOGARTY

By

J. Scott Gerien  
Aaron D. Currie

1455 First Street, Ste. 301  
Napa, California 94559  
Telephone: 707-252-7122  
Facsimile: 707-255-6876

Attorneys for Opposer,  
Jackson Family Farms, LLC

**PROOF OF SERVICE**

I declare that I am over the age of 18 years, employed in the County of Napa, and not a party to the within action; my business address is 1455 First Street, Ste. 301, Napa, CA 94559. On January 6, 2016, I served the attached **NOTICE OF OPPOSITION** on the person(s) listed below:

ERIC J. VON VORYS  
SHULMAN ROGERS GANDAL PORDY & ECKER PA  
12505 PARK POTOMAC AVENUE FI 6  
POTOMAC, MARYLAND 20854-6803

by enclosing a true copy in a sealed envelope addressed as shown above and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed January 6, 2015, at Napa, California.

  
Jaymie Kilgore  
Legal Secretary